

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MOUNT PILGRIM BAPTIST
CHURCH,

Plaintiff,

v.

SELECTIVE INSURANCE
COMPANY OF THE SOUTHEAST,
Defendant.

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CIVIL CASE NO. H-10-4435

MEMORANDUM AND ORDER


This insurance case is before the Court on Plaintiff Mount Pilgrim Baptist Church's Motion to Remand [Doc. # 6], to which Defendant Selective Insurance Company of the Southeast ("Selective") filed an Opposition [Doc. # 8]. Plaintiff neither filed a reply nor requested additional time to do so. Having considered the record and the applicable legal authorities, the Court **denies** the Motion to Remand.

Plaintiff filed this lawsuit in Texas state court challenging Defendant's handling of its claim under a Standard Flood Insurance Policy ("SFIP") issued by Defendant. Plaintiff included a breach of contract claim seeking payment of additional insurance benefits under the SFIP. Defendant removed the case to federal court on the basis of federal question jurisdiction, and Plaintiff moved to remand. The Motion to Remand has been briefed and is ripe for decision.

It is uncontested that Defendant issued the SFIP to Plaintiff under the authority of the National Flood Insurance Program, a federal program created pursuant to the National Flood Insurance Act of 1968, 42 U.S.C. § 4001 *et seq.* Federal courts have original, exclusive jurisdiction over a breach of contract action seeking payment of additional flood insurance benefits under an SFIP. *See* 42 U.S.C. § 4072; *Gibson v. Amer. Bankers Ins. Co.*, 289 F.3d 943, 946 (6th Cir. 2002); *Hairston v. Travelers Ins. Co.*, 232 F.3d 1348, 1351 (11th Cir. 2000); *Van Holt v. Liberty Mut. Fire Ins. Co.*, 163 F.3d 161, 166-67 (3d Cir. 1998); *Barefield v. State Farm and Cas. Co.*, 296 F. Supp. 2d 741, 744 (S.D. Tex. 2003); *Jamal v. Travelers Lloyds of Texas Ins. Co.*, 97 F. Supp. 2d 800, 806 (S.D. Tex. 2000). Consequently, the Court has subject matter jurisdiction, and it is hereby

ORDERED that Plaintiff's Motion to Remand [Doc. # 6] is **DENIED**.

SIGNED at Houston, Texas, this 4th day of **January, 2011**.



Nancy F. Atlas
United States District Judge